

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-21-06

WHEREAS, **FRANK & GEORGETTE BREIVOGEL** applied to Community Zoning Appeals Board 10 for the following:

RU-3B to IU-1

SUBJECT PROPERTY: Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

LOCATION: Between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to IU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB10-3-06, and

WHEREAS, **8th STREET HOLDINGS L. L. C. F/K/A: FRANK & GEORGETTE BREIVOGEL** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

RU-3B to IU-1

SUBJECT PROPERTY: Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

LOCATION: Between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-3-06, and that the appeal should be denied, and that the decision of Community Zoning Appeals Board 10 should be vacated, and that the application should be remanded to Community Zoning Appeals Board 10 with leave to amend, and

WHEREAS, a motion to deny the appeal, vacate the decision of Community Zoning Appeals Board 10, and remand the application to Community Zoning Appeals Board 10 with leave to amend was offered by Commissioner Rebecca Sosa, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Dorrian D. Rolle	absent
Audrey M. Edmonson	aye	Natacha Seijas	absent
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 10 is hereby vacated, and that the

application is hereby remanded to Community Zoning Appeals Board 10 with leave to amend.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-3-06 is hereby null and void.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 25th day of May, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-5-CZ10-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: **KAY SULLIVAN**
Deputy Clerk

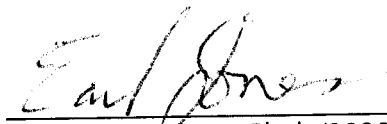
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JUNE, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-21-06 adopted by said Board of County Commissioners at its meeting held on the day of May 25, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of June, 2006.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

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ADA Coordination
Agenda Coordination
Animal Services
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Building
Building Code Compliance
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Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
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Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

June 2, 2006

8th Street Holdings L. L. C. F/K/A:
Frank & Georgette Breivogel
c/o Tracy Slavens
701 Brickell Avenue, Suite. 3000
Miami, FL 33131

Re: Hearing No. 05-5-CZ10-3
Location: Between S.W. 68 Court & S.W. 68 Avenue
and both sides of S.W. 9 Street,
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-21-06, adopted by the Board of County Commissioners, which denied your appeal without prejudice, vacated the decision of Community Zoning Appeals Board 10, and remanded the application back to Community Appeals Board 10 with leave to amend.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure



Department of Planning and Zoning

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June 2, 2006

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Deputy Clerk

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Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
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Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
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Strategic Business Management
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